

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 98-129-E
)	
REAL PROPERTY KNOWN AND)	
NUMBERED AS 902 EAST 21 ST)	
STREET, ERIE, PENNSYLVANIA,)	
including all improvements, fixtures, and)	
appurtenances thereto and therein,)	
)	
Defendant.)	

MOTION TO DIVEST INTERESTS OF JENNIFER BROSTMAYER AND TO
DIRECT UNITED STATES MARSHAL TO SEIZE AND DISPOSE OF PROPERTY

AND NOW comes the United States of America by and through its counsel, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Mary McKeen Houghton, Assistant United States Attorney for the Western District of Pennsylvania, and respectfully represents as follows:

1. The United States instituted this civil forfeiture action at Civil Action No. 98-129-E, by filing a Verified Complaint for Forfeiture averring that the real property known and numbered as 902 East 21st Street, Erie, Pennsylvania, including all improvements, fixtures, and appurtenances thereto and therein, (the "Defendant Real Property") is forfeitable to the United States pursuant to 21 U.S.C. §§ 881(a)(6) and (7).

2. By Order of Court dated November 24, 2003 the Defendant Real Property was forfeited to the United States of America free and clear of all right, title and interest of any person or entity.

3. On May 25, 2004, the United States Attorney filed the Order of Court dated November 24, 2003 of record in the Recorder of Deeds Office of Erie County, Pennsylvania. The United States Attorney also requested the United States Marshals to seize and dispose of the Defendant Real Property.

4. In accordance with federal forfeiture law, the United States filed a lis pendens in the Court of Common Pleas of Erie County, Pennsylvania on April 21, 1998 at No. 60021-98.

5. The United States has learned that in disregard of the lis pendens filed by the United States, Jennifer Brostmeyer purchased the Defendant Real Property in September, 2000 at a tax sale conducted by the Erie County Tax Claim Bureau.

6. The United States' forfeiture interests take priority over the interests of Jennifer Brostmeyer. Her interests, therefore, should be divested by Order of Court.

7. The United States Marshals Service has advised the United States Attorney that it will not seize or dispose of the Defendant Real Property until the interests of Jennifer Brostmeyer are divested.

8. By letter dated May 6, 2006, Joe Cilladi, Code Enforcement Office of the City of Erie, Pennsylvania, advised the United States that the Defendant Real Property is in disrepair and should be secured.

9. The United States requests that the Court divest the interest of Jennifer Brostmeyer and direct the United States Marshals Service to seize and dispose of the Defendant Real Property.

WHEREFORE, the United States respectfully requests that this Honorable Court enter an Order to divest the interest of Jennifer Brostmeyer and to direct the United States Marshals Service to seize and dispose of the Defendant Real Property.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

By: s/Mary McKeen Houghton
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CERTIFICATE OF SERVICE

I, Mary McKeen Houghton, Assistant United States Attorney of the Western District of Pennsylvania, hereby certify that on the 18th day of May, 2006, I mailed by first class, postage prepaid, a copy of the within motion to and upon:

David E. Holland, Esquire
MacDonald, Illig, Jones &
Britton
100 State Street, Suite 700
Erie, PA 16507-1459

s/Mary McKeen Houghton
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